

STEVEN G. KALAR  
Federal Public Defender  
CARMEN SMARANDOIU  
Assistant Federal Public Defender  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Telephone: 415.436.7700  
Facsimile: 415.436.7706  
Carmen\_Smarandoiu@fd.org  
  
Counsel for Defendant MORAGA

IN THE UNITED STATES DISTRICT COURT  
  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STANISLAV PETROV and MILAGRO  
MORAGA,

Defendants.

Case No. CR 16-00159 WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME  
FROM JUNE 21, 2016, TO  
DECEMBER 5, 2016**

The United States of America, by and through Assistant United States Attorney Damali Taylor, and defendants Milagro Moraga, by and through defense counsel Carmen A. Smarandoiu, and Stanislav Petrov, by and through defense counsel William Osterhoudt, hereby stipulate that, with the Court's approval, the time between June 21, 2016 and December 5, 2016 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation of counsel.

The parties appeared before the Court on June 21, 2016, at 2:00 p.m., for a status hearing in this proceedings. At the hearing, the Court ordered that the case be tried before a jury commencing December 5, 2016 and that the final pretrial conference be held on November 28, 2016. It further ordered that all Rule 12, discovery/disclosure, suppression, *Franks*, or confidential information motions, as well as all issues for which counsel should be on notice with the exercise of reasonable diligence be

1 filed by August 30, 2016. Upon the representation of the parties that they need additional time to review  
 2 newly-provided discovery, conduct necessary investigation, prepare various motions, and prepare for  
 3 trial, the parties requested that time be excluded under the Speedy Trial Act between June 21, 2016 and  
 4 December 5, 2016, for effective preparation of counsel, under 18 U.S.C. § 3161(h)(7)(B)(iv).

5 The parties stipulate that the failure to exclude time would deny counsel the reasonable time  
 6 necessary for effective preparation, taking into account the exercise of due diligence under 18 U.S.C. §  
 7 3161(h)(7)(B)(iv). The parties further stipulate that the requested exclusion of time, from June 21, 2016  
 8 to December 5, 2016, is in the interests of justice and outweighs the best interest of the public and the  
 9 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

10 IT IS SO STIPULATED.

11 Dated: July 28, 2016

/s/

12 CARMEN SMARANDOIU  
 13 Assistant Federal Public Defender  
 14 Attorney for Defendant Milagro Moraga

15 Dated: July 28, 2016

/s/

16 WILLIAM OSTERHOUDT  
 17 Attorney for Defendant Stanislav Petrov

18 Dated: July 28, 2016

/s/

19 DAMALI TAYLOR  
 20 Assistant United States Attorney  
 21 Attorney for the United States of America

22 Attestation of Filer

23 In addition to myself, the other signatories to this document are William Osterhoudt and Damali  
 24 Taylor. I hereby attest that I have their permission to enter a conformed signature on their behalf and to  
 25 file this document.

26 Dated: July 28, 2016

/s/


27 CARMEN SMARANDOIU  
 28 Assistant Federal Public Defender  
 Attorney for Defendant Milagro Moraga

**[PROPOSED] ORDER**

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between June 21, 2016 and December 5, 2016, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between June 21, 2016 and December 5, 2016, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that the time between June 21, 2016 and December 5, 2016, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: July 29, 2016.

  
HONORABLE WILLIAM ALSUP  
United States District Judge